

REMARKS

Claims 1-7, 13-18, 37, 38, 43, 44 and 46-67 are pending. Claims 1-7, 13-18, 37, 38, 43, 44 and 46-67 stand rejected. Applicants respectfully request reconsideration of the pending rejections based on the following comments.

Obviousness-Type Double Patenting Rejection

Claims 1-7, 13-18, 37, 38, 43, 44 and 46-67 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 11, 12, 17-25, 43-55 and 62-71 of copending U.S. Patent Application No. 10/609,298. Submitted concurrently herewith is an executed Terminal Disclaimer for filing in connection with the above-referenced application. Applicant respectfully submits that submission of this Terminal Disclaimer places the application in condition for allowance.

CONCLUSION


In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Please apply fees for a Terminal Disclaimer (\$130.00), a supplemental Information Disclosure statement (\$180.00), an extension of time for one month (\$120.00), and any other charges, or any credits, to Jones Day Deposit Account No. 503013 (ref. no. 417451-999026).

If the Examiner believes it would be useful to advance prosecution, the Examiner is invited to telephone the undersigned at (858) 314-1200.

Respectfully submitted,

Date: October 26, 2007



Mark D. Kafka Reg. No. 59,569
For: Dale Rieger Reg. No. 43,045
JONES DAY
222 East 41st Street
New York, New York 10017
(858) 314-1200